

TRANSPORTATION

Aviation Implementation of Article 83 bis

**Agreement Between the
UNITED STATES OF AMERICA
and IRELAND**

Signed at Paris June 13, 2013

with

Attachments



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

IRELAND

**Transportation: Aviation
Implementation of Article 83 bis**

Agreement signed at Paris

June 13, 2013;

Entered into force June 13, 2013.

With attachments.

Agreement
between the
United States of America, represented by the

Federal Aviation Administration,
Department of Transportation
United States of America

and

Ireland, represented by the
Irish Aviation Authority

on the Implementation of Article 83 *bis* of the
Convention on International Civil Aviation

WHEREAS, Article 83 *bis* of the Convention on International Civil Aviation (Chicago, 1944) ("the Convention"), with a view to enhanced safety, provides that a State of Registry may transfer to the State of the Operator all or part of the State of Registry's functions and duties of registry under Articles 12, 30, 31, and 32(a) of the Convention;

WHEREAS, in line with the International Civil Aviation Organization's *Airworthiness Manual*, Document 9760 (Part V, Guidance on Transfer of Aircraft, International Lease Arrangements and Article 83 *bis* Agreement) and *Manual of Procedures for Operations Inspection, Certification and Continued Surveillance*, Document 8335 AN/879 (Part V, Lease and Charter Operations), an Article 83 *bis* agreement should establish precisely the responsibilities of each party to the transfer of functions and duties

WHEREAS, with reference to the relevant Annexes to the Convention, this Agreement organizes the transfer from the United States, as the State of Registry, to Ireland, as the State of the Operator, of responsibilities normally carried out by the State of Registry, as set out in Sections 3 and 4 below;

NOW THEREFORE, The United States of America, represented by the Federal Aviation Administration (FAA), and Ireland, represented by the Irish Aviation Authority (IAA), hereinafter referred to as "the Parties", have agreed as follows on the basis of Articles 12, 32(a), and 83 *bis* of the Convention:

ARTICLE I — SCOPE

Section 1. Pursuant to Article 83 *bis*, the United States shall be relieved of responsibility in respect of the functions and duties transferred under this Agreement to Ireland. In respect of other contracting States, the transfer shall have effect upon due publicity or notification of this Agreement in accordance with paragraph (b) of Article 83 *bis* of the Convention. For purposes of FAA domestic regulatory responsibility, the transfer is equivalent to removal of a subject aircraft from the U.S. registry.

Section 2. The scope of this Agreement shall be limited to general aviation aircraft on the register of civil aircraft of the United States and operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement for a term of more than 180 days by operators whose principal place of business is in, or who permanently reside in, Ireland. The aircraft covered by this Agreement are identified by make and model, registration number, and serial number, on the list provided in Attachment 1.

ARTICLE II — TRANSFERRED RESPONSIBILITIES

Section 3. Under this Agreement, the Parties agree that the United States transfers to Ireland the following functions and duties, including oversight and control of relevant items contained in the respective Annexes to the Convention:

Annex 1— *Personnel Licensing*, issuance and validation of licenses, except radio licensing.

Annex 2 — *Rules of the Air*, enforcement of compliance with applicable rules and regulations relating to the flight and manoeuvre of aircraft.

Annex 6 — (Part II — *International General Aviation — Aeroplanes* and Part III — *International Operations Helicopters*) all responsibilities that are normally incumbent on the State of Registry.

Annex 8 *Airworthiness of Aircraft*, responsibilities for continuing airworthiness.

Section 4. The Parties shall ensure that the requirements for continuing airworthiness of aircraft to be followed by the aircraft operator will be identified and contained in the operator's maintenance logbook. Attachment 2 hereunder describes the responsibilities of the Parties

ARTICLE III — NOTIFICATION

Section 5. Ireland shall notify directly any States concerned of the existence and contents of this Agreement, as needed. This Agreement, as well as any amendments to it, shall also be registered with the International Civil Aviation Organization (ICAO) by the United States as the State of Registry or Ireland as the State of the Operator, as required by Article 83 and in accordance with the *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements*, ICAO Document 6685.

Section 6. The IAA shall ensure that a certified true copy of this Agreement is placed on board each aircraft to which this Agreement applies.

ARTICLE IV — COORDINATION

Section 7. Consultations between the FAA and the IAA shall be held as necessary to discuss both operations and airworthiness matters from inspections that have been conducted by their respective inspectors. Consultations may be held in person or by telephone or video conference. For the sake of enhanced safety, these consultations shall take place for the purpose of resolving any discrepancies found as a result of the inspections and to ensure that all parties are fully informed about the aircraft operator's operations. The following subjects may be reviewed during these consultations:

- Flight operations
- Continuing airworthiness and aircraft maintenance
- Flight training when applicable
- Any other significant matters arising from inspections
- Review of the agreement, including addition or subtraction of aircraft to or from Attachment 1

Section 8. During the implementation of this Agreement, the IAA, representing the State of the Operator, shall inform the FAA prior to any aircraft subject to it being made the object of a subsidiary lease, charter, or interchange or similar arrangement. None of the duties and functions transferred from the United States to Ireland under this Agreement may be carried out under the authority of a third State. The IAA shall further inform the FAA if it takes certificate action against an airman operating an aircraft subject to the Agreement, where the airman holds an FAA certificate.

ARTICLE V — FINAL CLAUSES

Section 9. This Agreement shall enter into force on its date of signature. Any amendments to this Agreement or any attachment thereto shall be agreed by the Parties thereto in writing.

Section 10. Any disagreement concerning the interpretation or application of this Agreement shall be resolved by consultation between the Parties.

Section 11. In witness thereof, the undersigned representatives of the Parties have signed this Agreement.

For the
United States of America

For
Ireland

BY: 
John Hickey

BY: 
Kevin Humphreys

TITLE: Deputy Associate Administrator,
Aviation Safety

TITLE: Director of Safety
Regulation

DATE: 6/13/13

DATE: 13 Jun 2013

PLACE: Paris, France

PLACE: Paris, France

Attachments:

Attachment 1 — Aircraft Subject to this Agreement

Attachment 2 — Responsibilities of the United States and Ireland

Attachment 1

Aircraft Subject to this Agreement

Aircraft Make/ Model	Serial Number	Registration Number	Effective term
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Attachment 2**Responsibilities of the United States and Ireland**

ICAO Doc	RESPONSIBILITIES OF THE STATE OF REGISTRY (United States)	RESPONSIBILITIES OF THE STATE OF THE OPERATOR (Ireland)
Annex 1		Assume State of the Registry's Licensing and Ratings as defined in Annex 1, chaps 2 and 3
Annex 2		Assume State of the Operator's responsibilities pertaining to the Rules of the Air defined in Annex 2, chaps 1, 2, and 3
Annex 6		Assume State of Operator and State of Registry responsibilities as defined in Annex 6, Parts II and III.
Annex 8	Issue airworthiness certificate.	Perform surveillance in accordance with Annex 8 – Airworthiness of Aircraft (Part II Chapter 4, 4.2.3(b) to determine the continuing airworthiness of an aircraft in relation to the appropriate airworthiness requirements in force for that aircraft.)